

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, January 14, 2004**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, January 14, 2004, at 3:30 p.m. in the Council Chambers at the Stryker Building.

CALL TO ORDER and ATTENDANCE

Chairman Freiling called the annual organizational meeting to order. Present in addition to Mr. Freiling were Commissioners Hertzler, Young, Friend, McBeth, and Pons. Commissioner Smith was absent. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

ELECTION OF OFFICERS

City Attorney Phillips presided over the election of the 2004 officers by opening the floor for nominations.

First Vice Chairman Friend announced that he has decided not to seek reappointment to his current position, and thanked the Commission for their support and confidence. He said he will step aside and allow others to gain experience, but gladly will continue to serve as a member of the Planning Commission.

Mr. Freiling was nominated for Chairman, Mr. Young for 1st Vice Chairman, and Mr. Pons for 2nd Vice Chairman. All three of the nominations were seconded, and there being no additional nominations, nominations were closed.

The above-noted slate of officers was elected by roll call vote of 6-0.

Ms. Scott was elected secretary by roll call vote of 6-0.

MINUTES

Mr. Young moved that the minutes of the December 17 regular meeting be approved as submitted. The motion carried by roll call vote of 6-0.

CONSENT AGENDA

Mr. Pons moved that the item on the consent agenda, **SPR #04-001: Med Express, 120 Monticello Avenue** – addition and renovations, be approved contingent upon the

applicant resolving minor engineering details. Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Freiling, Hertzler, Friend, McBeth, Pons
No:	None
Absent:	Smith

PUBLIC HEARINGS

CIP: Five-Year Capital Improvement Program (FY05 to FY09). Citizens are requested to present items for inclusion in the Capital Improvement Program.

Mr. Nester presented a draft of the Five-Year Capital Improvement Program and noted that citizen and Commission comments will be transmitted to the City Manager and City Council. He added that the Commission will hold a work session on January 27 at 3:30 to discuss the CIP and the Comprehensive Plan.

Chairman Freiling opened the public hearing.

There being no comment the public hearing was closed.

PCR #04-001: Request of Williamsburg Presbyterian Church, 215 Richmond Road, for a special use permit for a new sanctuary, expanding capacity from 275 to 500 seats. The property is zoned Downtown Residential District RDT. The Commission recommended approval with contingencies by a vote of 6-0.

Mr. Nester reviewed the memorandum dated January 7, 2004 in which it was noted that this request is due to the expiration of the special use permit December 12, 2003. The final site plan will be submitted at a later date. Mr. Nester stated that parking is adequate in the downtown area, although the church congregation may find they need to take advantage of the nearby parking garage.

Chairman Freiling opened the public hearing.

William Thompson, architect for the project, stated that adequate fund raising has been the church's biggest delay and that the project hasn't changed from the original submittal.

There being no additional comment the public hearing was closed.

Mr. Young moved that the Commission recommend to City Council that a special use

permit be approved to allow the Williamsburg Presbyterian Church to build a new sanctuary, expanding capacity from 275 to 500 seats, in accordance with the submitted conceptual site plan, in accordance with the parking license agreement with the College of William and Mary (recorded in Deed Book 89, pages 99 to 104), and contingent upon final site plan approval by the Planning Commission. He added that the reasons for the recommendation are as follows:

1. The Comprehensive Plan designates the area as Mixed Use land use.
2. The proposal meets the intent of the Downtown Residential District RDT that "...is established to promote harmonious development and redevelopment in the downtown residential areas adjacent to the Colonial Williamsburg district and the College of William and Mary."
3. The conceptual design of the new sanctuary has been approved by the Architectural Review Board.
4. Variances and special exceptions for setback and side yard requirements has been granted by the Board of Zoning Appeals.
5. The parking license agreement with the College of William and Mary, combined with the parking on the Church's property, meets the Zoning Ordinance requirement for parking.
6. There is adequate additional parking available within a reasonable distance of the Church.

Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Young, Freiling, Hertzler, Friend, McBeth, Pons
No: None
Absent: Smith

PCR #04-002: Request of James City County Fire Department to revise Chapter 21, Zoning, of the Williamsburg City Code, RS-2 District, Section 21-164, to allow replacement of existing communication towers as a special use permit. The Commission recommended approval by a vote of 6-0.

PCR #04-003: Request of James City County Fire Department for a special use permit to replace an existing 200 foot high communications tower with a 280 foot high communications tower at 1118 Ironbound Road (Berkeley Middle School). The proposed replacement tower will house communications equipment associated with the regional 800 MHz radio system which will serve James City County and York County communications and emergency services. The property is zoned Single-Family Dwelling District RS-2. The Commission recommended approval with contingencies by a vote of 6-0.

Mr. Nester presented background information for both PCR #04-002 and PCR #04-003. He said the smaller of the two towers behind Berkeley Middle School will be replaced with a 280-foot communications tower that will be a part of an 800 MHz trunked radio system to be operated by James City and York Counties, and will be one of seven towers in the three jurisdictions. As part of the proposal, the zoning regulations for the RS-2 District will need to be changed to allow replacement of existing communication towers with a special use permit. Mr. Nester noted that Richard Miller, Fire Chief for James City County and project manager, has submitted an application for the special use permit in which it is noted that James City County and York County have jointly agreed to construct and operate the radio system that will serve police, fire, EMS, public works, and general county administrations of both counties. In addition, the radio system will provide critical communications for the Williamsburg/James City County Sheriff's office, the Williamsburg/James City County School System, and the Peninsula Regional Jail Authority. The radio system has been designed to provide communications coverage for the City of Williamsburg and the City of Poquoson when those two localities desire to join the regional system, and the tower is designed to permit the co-location of other wireless carriers to reduce additional communications towers in the City of Williamsburg. Mr. Nester noted that a balloon test was conducted on December 29, and that the tower will be marginally visible from Monticello Shopping Center, Williamsburg Shopping Center and William & Mary Hall. The tower will be completely visible from Strawberry Plains Road at Berkeley Middle School. It will not be visible from the historic area.

Chairman Freiling opened the public hearing.

On behalf of James City and York Counties, Richard Miller, Fire Chief for James City County, spoke in favor of the proposal and thanked City staff, and particularly Reed Nester, for their efforts on this regional system in the interest of public safety. In response to a query regarding the expense involved, Mr. Miller responded that there is a substantial expense for the construction of the 800 MHz system, which is being clearly communicated to the City.

City of Williamsburg Fire Chief, T. K. Weiler, stated that it is anticipated that the City will move to an 800 MHz system to maintain interoperability with the adjoining jurisdictions within three to five years. He noted that although the current system is antiquated, we will probably maintain it as a means of backup. Chief Weiler stressed the importance of the multi-jurisdictional mutual aid system which is currently in place, and asked that the Commission recommend approval of the special use permit.

There being no additional comment the public hearing was closed.

Mr. Freiling expressed the need for sensitivity regarding the aesthetics of the tower and its visibility along Monticello Avenue, yet noted the greater sense of regional safety.

Commissioner Friend moved that Planning Commission recommend to City Council that PCR #04-002, RS-2 District be amended to allow replacement of existing communication towers with a height increase not to exceed 50 percent of the existing tower height with a maximum height of 300 feet, be approved. He also moved that Planning Commission recommend to City Council that PCR #04-003, a special use permit to allow the replacement of an existing 185 foot high communications tower with a 280-foot high communications tower at Berkeley Middle School, 1118 Ironbound Road, be approved subject to the following conditions:

1. Existing 185-foot communications tower to be replaced by a self-supporting tower with a maximum height of 280 feet, in accordance with the site plan titled "Special Use Permit Plan for Existing Cellular Tower Modification at Berkeley Middle School", dated November 20, 2003, and prepared by AES Consulting Engineers.
2. Final site engineering details to be approved by City staff.
3. The tower shall have a finish that is gray in color as approved by the Zoning Administrator. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
4. No advertising material or signs shall be placed on the tower.
5. Existing City communications antennas and equipment on the existing 185-foot tower, which will be replaced by the new 280-foot tower, shall be transferred to the new tower at no cost to the City.
6. A total of three sites on the tower shall be reserved for use by the City for municipal communications systems antennas at no cost to the City.
7. If the City elects to join the 800 MHz system used by James City County and York County, it will be done on the basis of a specific agreement negotiated by the parties at that time. Any such agreement, however, will be based on the concept that the City will pay only the marginal or additional costs then required to add the City as a user of the 800MHz system, and shall not be required to reimburse any costs already incurred or obligated by system users.

Mr. Pons seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Freiling, Hertzler, Friend, McBeth, Pons
No:	None
Absent:	Smith

OPEN FORUM

Chairman Freiling opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

SPR #04-001 was approved with a contingency under the consent agenda.

OLD BUSINESS - none

NEW BUSINESS - none

OTHER

Appointment to Planning Commission Committees

Chairman Freiling stated that because there are no changes to committee appointments, the following members will continue to represent the Commission on the noted committees:

Architectural Review Board	Mr. Pons
Beautification Advisory Committee	Mrs. Smith
Regional Issues Committee	Mr. Young
Site Plan Review Committee	Mr. Friend, Mr. Hertzler and Mrs. McBeth

Policy for Limiting Speaking Time at Public Hearings

Commission members had the following comments regarding the proposed policy:

- Current policy would permit a filibuster
- Best to be consistent with other jurisdiction's policy
- The creation and enforcement of speaking time expectations/guidelines would encourage more concise, better organized comments
- Unlike the recent student rental housing hearing when some people had to leave before speaking, time limits would enable everyone the opportunity to speak
- Ten minutes for the applicant's comments and rather than stating there is a "3-5 minute" limit per other speaker as the City Council policy states, it was suggested that Planning Commission policy state a limit of "5 minutes". Also suggested is to state that a representative of a group or organization, at the chairman's discretion, could be given additional time once other audience members have had the opportunity.

Mr. Pons moved that Planning Director Nester draft appropriate language to be added to Article XI of the Bylaws and that Commission vote on the amendment at their February meeting.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Young, Freiling, Hertzler, Friend, McBeth, Pons
No: None
Absent: Smith

Appointments to Beautification Advisory Committee

Terms of service on the BAC expired December 31, 2003 for two members of the Committee, Karen Jamison and Fleming Buck. Mr. Buck, who is the business and Chamber of Commerce representative, will be moving his business out of the City in approximately six months and at that time will no longer be eligible to serve on the Committee. Mr. Pons moved that Karen Jamison be reappointed to serve a full term and that Mr. Buck be reappointed to serve for as long as his business is in the City. Mr. Young seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Young, Freiling, Hertzler, Friend, McBeth, Pons
No: None
Absent: Smith

Chairman Freiling expressed gratitude to members of the Beautification Advisory Committee for their work on further beautification of the City.

INFORMATION ITEMS

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

Report on Development Activities

Mr. Nester presented his monthly report on the status of projects in the City.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 18, 2004 – None

The meeting adjourned at 5:00 p.m.

Paul Freiling, Chairman
Williamsburg Planning Commission